

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6023 CIV HURLEY

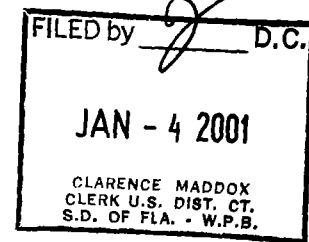
R/S ASSOCIATES, a Florida  
Limited Partnership and  
DAN SHOOSTER

Plaintiff

vs.

ROBERT YARI and FORUM  
ARLINGTON PROPERTIES, LTD. AND  
ALLIANCE COMMERCIAL MANAGEMENT,

Defendants



ORDER GRANTING PLAINTIFFS' MOTION FOR  
PARTIAL JUDGMENT ON THE PLEADINGS  
AGAINST FORUM ARLINGTON PROPERTIES, LTD.

THIS CAUSE having come on to be heard on Plaintiffs' Motion for Partial Judgment on the Pleadings Against Forum Arlington Properties, Ltd., and the Court having heard argument of counsel and being otherwise advised in the premises, the Court finds as follows:

1. That Forum Arlington Properties, Ltd. (hereinafter "Forum" is using Plaintiffs' trademarks, tradenames and trade dress.
2. That Forum does not have the right to use Plaintiffs' trademarks, tradenames or trade dress.
3. For the aforescribed reasons, the following relief is hereby Ordered:

A. Forum is permanently enjoined and barred from using any of the following tradenames or trademarks, either on their own or

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through their agents, servants, employees and those acting by and under them:

- (1) "Festival Marketplace Mall" #3101 trademark;
- (2) "Festival Marketplace Mall/Logo" #3102 trademark;
- (3) Winners! Arcade/Design #3103 trademark;
- (4) Winners! Arcade/Design #3121 trademark;
- (5) Festival Marketplace #3104 trademark;
- (6) Festival Marketplace #3105 trademark;
- (7) Shopaholic #3112 trademark;
- (8) Festiventures #3120 trademark;
- (9) Festiventures #3112 trademark;
- (10) Fesitvalue #3111 trademark;
- (11) Festivalue #3119 trademark;
- (12) Fleabytes #3110 trademark;
- (13) Fleabytes #3118 trademark;
- (14) Flea Market Mall #3117 trademark;
- (15) Festival Flea Market Mall #3108 trademark;
- (16) Festival Flea Market/Design #3107 trademark;
- (17) Festival Flea Market/Design #3115 trademark;
- (18) Flea T.V. #3106 trademark;
- (19) Flea T.V. #3114 trademark;
- (20) Festival Marketplace/Design #3123 trademark; and
- (21) International Festival Center trademark.

B. Defendant Arlington is not entitled to use any of the trademarks, tradenames or trade dress of the Plaintiffs;


C. Defendant Arlington provide Plaintiffs with an accounting

of all profits Defendant Arlington earned during the period of their trademark, tradename or trade dress infringement;

D. Defendant Forum is liable for Plaintiffs' money damages and attorney's fees and court costs as a result of Defendant Forum's violations of 15 U.S.C. §1117(a) and 15 U.S.C. §1117(b) in an amount to be determined at a later Hearing; and

E. That Plaintiffs be awarded such other and further relief as this Honorable Court deems just and proper.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida this 4th day of January, 2001.

  
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U.S. DISTRICT COURT JUDGE

COPIES TO:

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